

MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
THURSDAY, NOVEMBER 9, 2017

Presiding: Mayor David D. Ogden
Meeting Convened at 6:30 p.m.
Prayer: Brent Barrus
Pledge of Allegiance

Present: Mayor David D. Ogden; Clerk-Treasurer Wendy McLaughlin; Councilmen Bruce King, Brent Barrus, Joe Cherrington, and Greg Venema; City Public Works Director Zane Baler; City Building Inspector Cliff Morris; Chairman Dave Thompson of the Planning and Zoning Commission; Citizens for the Rule of Law Member Vaun Waddell; Citizens Joy Ball, JoAnn Clark, Bo Crofoot, Kathy and Ken Cross, Mychelle Eaton, L Gene Jeppson, and Shawn Johansen.

MINUTES: Mayor Ogden asked if there were any corrections to the minutes of the regular meeting held on October 26, 2017. Each councilman had a copy of the minutes prior to the meeting. It was moved by Councilman Barrus and seconded by Councilman Cherrington to accept the minutes, with the correction of “Mr. Enrique” changed to “Mr. Reyes” on page 1 under “Findings of Fact – Tolman Duplex”; motion carried.

RECONCILIATION REPORTS: Wendy presented the October reconciliation reports for the General Fund. It was moved by Councilman Cherrington and seconded by Councilman Venema to accept the October reconciliation reports for the General Fund; motion carried. Wendy presented the October reconciliation reports for the Utility Fund. It was moved by Councilman Barrus and seconded by Councilman King to accept the October reconciliation reports for the Utility Fund; motion carried.

Wendy presented the current bills in the amount of \$186,186.37. It was moved by Councilman Cherrington and seconded by Councilman Venema to pay the current bills, together with all regular November bills; motion carried.

PLANNING AND ZONING COMMISSION REPORT: Dave Thompson reported on the following items:

Land Use Schedule, Definitions, and Map Public Hearing Date Set: The Land Use Schedule and definitions are all in order. There is a lot of information for the public to review and will be sent to the council as soon as it is available for their preparations for the next council meeting on Thursday, December 14, 2017. The map needs a few adjustments but should be ready for the hearing. But the commission may postpone the hearing if the map is not ready. The commission will not meet in December.

Design Review: The Design Review Board met with Jon Gregory to review his proposed storage/office building for the Business Park. To be in compliance, Mr. Gregory will need to make some revisions on the building, complete the landscaping, and apply for a special use permit if he intends to use the building as storage. He intends to sublease the units for permanent use. The City Building Inspector Cliff Morris said if the units include bathrooms then they are

considered as office spaces instead of just storage. Mr. Gregory would like to use artificial landscaping. The city's requirements for landscaping do not include artificial plants. Therefore, artificial plants may not meet landscaping requirements in the code.

WATER BOND ELECTION: The mayor reported that the water bond election passed with 249 votes for and 229 against. A simply majority was all that was needed for the revenue bonds. The city will move forward in purchasing the proposed property from the Lerwills for the well site, in selecting an engineer, in preparing the bond certificates, and in finalizing the cost sharing agreements with the developers. The mayor will start the bid for the ground at \$150,000 as suggested by the council.

MOTION: It was moved by Councilman Cherrington and seconded by Councilman Venema to start the well site bid at \$150,000 and bring back the final negotiation to be ratified by the council: motion carried.

MAYOR'S REPORT: The mayor reported on the following items:

Council Election Update: Three City Council seats were up for election. Brent Barrus and Joy Ball ran for the single two-year seat. John Galbraith, Bruce King, Greg Venema, and Vaun Waddell ran for the two four-year council seats. Bruce King kept his seat on the council, while Vaun Waddell and Joy Ball were elected to replace incumbents Councilmen Greg Venema and Brent Barrus, respectively. The newly elected council will be sworn in at the first council meeting Thursday, January 11, 2018. Councilman King congratulated Brent, John and Greg for running "spirited" campaigns and said he knows each of them to be a fine man. He complimented all those willing to seek public office in order to serve their community. The mayor asked the council to move forward and encouraged all to set aside unkind feelings, contention, and disagreements in order to come together to work for a unified city. He hopes the division within the city can be healed.

Veteran's Day Report: The mayor will take part in the Veteran's Day program sponsored by the Rexburg Area Chamber of Commerce. He will present a wreath on behalf of the city. The ceremony will be held at the Madison High School auditorium at 10:00 a.m.

Moody Waterline Update: In order to defend the integrity of it's impact area, the city needs to run a water line to the Moody Road to service and keep existing and potential businesses along Idaho Highway 33 south of Sugar City from seeking services from nearby Rexburg. The city will need an easement from Garry Jeppesen, who owns farm ground in the path of the projected waterline. However, Mr. Jeppesen has an option to sell his farm to developers more interested in Rexburg, which would put the city at risk of potentially losing a portion of its impact area and other profitable commercial property. The council felt the city needs to move quickly.

Judicial Review Update: No report.

Idaho Outdoor Business Council: The mayor reported that the federal government is considering a bill to give the land owned by the U.S. Bureau of Land Management (BLM) back to the states to manage. The assumption is that the states would manage the land better than the federal government; however, some studies apparently show that not to be true. The risk is if the land becomes a liability to the states it also has the potential of being sold to private individuals. Thus, public lands could disappear, along with access and public use. The council felt that perhaps it would be better to keep the public land with the federal government to manage for now, which likely would invite ongoing public access, although council members decided not to formally weigh in on this issue at this time.

CenturyLink and Franchises: Telecommunication companies like CenturyLink are exempt from having franchises within a city. However, since most phone companies also offer

Internet and cable services, the mayor would like the attorney to check into the possibility of having a franchise with CenturyLink, since additional franchise services are offered.

ANIMAL ORDINANCE REVIEW AND POSSIBLE ADOPTION: No report. The council will continue to review possible solutions to allowing some large animals under certain conditions. The discussion will continue at the next council meeting.

DELORUM SURVEY: Delorum sent out a preliminary survey to the council that will go out to the citizens for their input. The council asked that the public be informed that the logo cost includes various medium uses, i.e., letterhead, business cards, vehicles, signs, and etc.

ABANDONMENT OF SOUTH 7TH WEST: The city will move forward to abandon a portion of South 7th West just south of West 3rd South to Idaho 33. No public hearing is needed. The city will check with the railroad about exchanging a railroad crossing on this road for another one possibly north of the Pro Peat plant. The right-of-way will be kept intact. The asphalt will be removed and barriers set up to help detour traffic in preparation for the abandonment.

MOTION TO AMEND THE AGENDA TO INCLUDE SURPLUS RESOLUTION REVISION: The council moved to amend the agenda to include discussion and possible adoption of revisions to Resolution No. 2017-20 (To Establish a Surplus List and Sale Approval) to revise the sale approval to allow other ways to dispose of surplus property other than through closed bid sales.

MOTION: It was moved by Councilman Cherrington and seconded by Councilman King to revise the Resolution No 2017-20 to replace “Closed Bid” to “A Commercially Reasonable Way”; motion carried. A copy of said the revised resolution is attached hereto (Attachment #1).

DEPARTMENT REPORTS:

COUNCILMAN KING: Mayor Ogden reported that there are three people who have consented to serve on the Tree & Beautification Committee, but none want to serve as the chairman.

COUNCILMAN CHERRINGTON: Councilman Cherrington will provide the entertainment for the city Christmas dinner.

COUNCILMAN BARRUS: Councilman Barrus reported that the city has completed the flow meter installation for well #2 and is almost done with well #1. A vault needed to be built and installed. Well #4 will also be done in the next two weeks. The water may need to be turned off to a few customers on the northwest side of town and Business Park. The Idaho Department of Water Resources has mandated that all municipal water wells measure water output by the end of 2017.

COUNCILMAN VENEMA: Councilman Venema reported that the city purchased a new tractor and blade for plowing snow.

Meeting adjourned at 8:25 p.m.

Signed: _____
David D. Ogden, Mayor

Attested: _____
Wendy McLaughlin, Clerk-Treasurer

Resolution No.: 2017 - 20

"A Resolution to Establish a Surplus Property List and Approve the Mayor and Public Works Director to Sell the Surplus Property in a Commercially Reasonable Way."

WHEREAS, the Council of the City of Sugar City, Idaho desires to establish the following list of equipment as surplus property:

- 1 Jacobsen Mower
- 1 Sweep Plow
- 1 Sand Truck with Sweep Plow
- 1 Old Weeds Beater
- 1 Generator
- 1 Jacobsen Grass Rake
- 1 Bucket Truck
- 1 Ford Tractor
- 1 Duetz Tractor

and desires to sell the aforementioned equipment in a commercially reasonable way; and

WHEREAS, the Mayor and the Public Works Director have determined that the aforementioned equipment is of little value to the city, and that the best method of sale is to receive closed bids, and;

WHEREAS, the Council of the City of Sugar City believes it is in the best interest of the city to sell off such equipment;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SUGAR CITY, AS FOLLOWS:

The City Council of the City of Sugar City, Idaho hereby determines that the aforementioned equipment is in fact surplus property, and that selling it in a commercially reasonable way is in the best interest of the city, and authorizes the Mayor to proceed with the sale.

PASSED by the Council of the City of Sugar City on this 12th day of October, 2017

APPROVED by the Mayor of the City of Sugar City on this 12th day of October, 2017.

(SEAL)

David D. Ogden,
Mayor

ATTEST:

Wendy McLaughlin, City Clerk - Treasurer